

REMARKS

Claims 2, 3, 8, 10, 13, 18, and 20-21 are pending in the present application and under examination. In the Office Action mailed on November 7, 2008, claims 2, 3, 8, 18, 20 and 21 were allowed. Claims 10 and 13 were rejected.

Claims 10 and 13 have been amended. Support for the claim amendments may be found at least on page 2 paragraph [0015] of the specification. No new subject matter has been added.

I. Claim Objections

Claims 10 and 13 have been objected to for allegedly not using American English spelling.

Applicants respectfully traverse the objection and its supporting remarks. However, in order to facilitate prosecution in this case applicants have amended the pending claims to spell 'hybridize' and 'hybridization' with a 'z'.

Applicants therefore respectfully request that the Examiner withdraw the objection to claims 10 and 13.

II. Rejection under 35 USC 112, Second Paragraph, Indefiniteness

Claims 10 and 13 have been rejected under 35 USC 112, second paragraph, for allegedly failing to state that the claimed nucleic acid would be detecting *N. meningitides* DNA through hybridization and not the *N. meningitides* bacteria. Furthermore claim 10 is rejected for allegedly not describing the hybridization conditions for the nucleic acid molecule to be hybridized.

Applicants respectfully traverse the Examiner's rejection and its supporting remarks. However, in order to facilitate prosecution in this case, applicants have amended the pending claims, without prejudice or disclaimer.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 223002099101. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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